

## REMARKS

This is intended as a full and complete response to the Office Action dated May 18, 2006, having a shortened statutory period for response set to expire on August 18, 2006. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraphs [0023], [0041-42] and [0056] have been amended to correct minor editorial problems.

Claims 1-29 are pending in the application. Claims 10-12 and 14-29 remain pending following entry of this response. Claims 10, 14-15, 20, 27 have been amended. Claims 1-9, 13 and 22-26 have been canceled. Applicants submit that the amendments do not introduce new matter.

### Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5), as failing to include a label described in the specification. Rather than amend the drawings, paragraph [0056] of the specification has been amended to properly refer to a label that is included in the drawings. Accordingly, withdrawal of this objection is respectfully requested.

### Specification

The disclosure is objected to because of formalities. The specification has been amended to include a synopsis for Figure 4D in the "BRIEF DESCRIPTION OF THE DRAWINGS" section. Paragraph 56 has been amended to properly refer to terms "430<sub>A</sub>" and "430<sub>A</sub>." Accordingly, withdrawal of this objection is respectfully requested.

### Claim Rejections - 35 U.S.C. § 102

Claims 1-9, 20, 22-27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Win et al. (U.S. Patent 6,453,353, hereinafter *Win*). Claims 1-9 and 22-

26 have been canceled. Regarding the remaining claims, Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Win* does not disclose "each and every element as set forth in the claim." For example, *Win* does not disclose *identifying a subset of functional modules based on a comparison of collected runtime metadata with metadata requirements that specify conditions required for successful execution of the functional modules*, as specified in independent claims 20 and 27.

The portions of *Win* cited by the Examiner describe a login procedure. The Examiner seems to interpret limiting a set of resources presented to a user based on login credentials, as described in *Win*, as equivalent to the claimed feature of limiting a set of functional modules to those that will successfully execute, as determined by examining collected runtime metadata. Applicants respectfully submit, however, that *Win* does not teach limiting functional modules (resources) *that will successfully execute based on a comparison of collected runtime metadata and metadata requirements associated with the functional modules*, as recited in the claims. In fact, *Win* is silent as to any determination of whether a functional module (resource) presented to a user will successfully execute, but rather is concerned only with a user's authentication.

Therefore, Applicants submit independent claims 20 and 27, as well as their dependents, are allowable, and respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 10-19, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Win* as applied to claims 1-9, 20, 22-27, and 29 and in view of Pazandak et al. (U.S. Patent 7,027,975, hereinafter, *Pazandak*).

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143.

The present rejection fails to establish at least the third criteria. For example, even if combined as suggested in the Office Action, the references would fail to teach *identifying a subset of functional modules based on a comparison of collected runtime metadata with metadata requirements that specify conditions required for successful execution of the functional modules*, as recited in independent claim 10.

As described above, Applicants submit that this claimed feature is not taught in *Win*. Applicants also submit that this feature is not taught in *Pazandak*. The Examiner relies on *Pazandak* for teaching “collecting runtime metadata...” Even if *Pazandak* does teach this, as suggested in the Office Action, there is no teaching of limiting a set of functional modules presented to a user to those that will successfully executed, as determined by a comparison of the collected runtime metadata and a set of associated metadata requirements.

Therefore, Applicants submit independent claims 10, 20 and 27, as well as their dependents, are allowable, and respectfully request withdrawal of this rejection.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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